

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Menders et. al.,

Plaintiffs,

v.

Loudoun County School Board,

Defendant.

Case No. 1:21-cv-00669-AJT-TCB

JOINT DISCOVERY PLAN

According to Federal Rules of Civil Procedure 16(b) and 26(f), and the Court's order of August 16, 2021 (ECF No. 28), the parties submit this Joint Discovery Plan.

INTRODUCTION

Plaintiff filed his First Amended Complaint on August 30, 2021 (ECF No. 30). Defendant plans to file a new motion to dismiss by September 13, 2021. Given the forthcoming motion to dismiss, the parties believe that it would be unproductive for them to start and complete discovery by January 14, 2022 if the Court ultimately dismisses the case in the next several months.

TOPICS REQUIRED BY FRCP 26(f)(2)

The parties do not believe that this case is amenable to settlement at this time.

TOPICS REQUIRED BY FRCP 26(f)(3)

A. Initial Disclosures Under Rule 26(a).

The parties completed their initial disclosures on August 27, 2021.

B. Subjects of Discovery.

The Plaintiffs believe that the primary subjects of discovery are the particulars of the Student Equity Ambassador Program, including how students are selected and what occurs in the Share, Speak-up, Speak-out sessions. Additionally, Plaintiffs will seek discovery regarding how the Bias Incident Response System operates.

C. Electronically Stored Information.

The parties have discussed ESI issues and have agreed to produce ESI in pdf format without metadata. If any disputes regarding ESI should arise, the parties will meet and confer in good faith in an attempt to resolve the dispute, and will only involve the Court if they are unable to do so.

D. Privilege and Protection Issues.

The parties do not anticipate any privilege or protection issues at this time. If such issues should arise, the parties will attempt to resolve them through meet and confer, and will seek the Court's assistance only to the extent that they are unable to do so.

E. Limitations on Discovery.

The parties agree to the discovery limitations in the Federal Rules of Civil Procedure. If any party seeks additional discovery beyond that permitted by the Federal Rules, it shall meet and confer with the other parties and shall seek the

court's assistance only to the extent that the parties are unable to informally resolve any disputes.

F. Other orders

The Defendant may seek a protective order from the court to safeguard the records of students under 18. The Plaintiffs may seek a protective order regarding the scope of discovery of the Jane Doe plaintiffs' identities, which this Court ruled could remain anonymous during this case in its July 28, 2021 order (ECF No. 22). Other than that, the parties do not anticipate any need for the Court to enter any orders under Federal Rules of Civil Procedure 16(b) and (c) or 26(c).

DISCOVERY PLAN

- The parties shall complete fact discovery by November 30, 2021.
- All parties asserting and resisting claims for relief shall file their designation of testifying experts and shall serve on all parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) by December 1, 2021.
- All designations of rebuttal experts shall be filed by December 24, 2021.
- The parties shall until complete depositions of any designated rebuttal experts and complete expert witness discovery by January 14, 2022.

DATED: September 1, 2021.

Respectfully submitted,

/s/ Jeffrey D. Jennings
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2021, a copy of the foregoing and corresponding proposed order were sent to the persons below through the Court's ECF system.

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Counsel for Defendant Loudoun County School Board

DATED: September 1, 2021

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